

MINUTES
BOARD OF SUPERVISORS
COUNTY OF YORK

Regular Meeting
August 7, 2001

7:00 p.m.

Meeting Convened. A Regular Meeting of the York County Board of Supervisors was called to order at 7:02 p.m., Tuesday, August 7, 2001, in the Board Room, York Hall, by Chairman James S. Burgett.

Attendance. The following members of the Board of Supervisors were present: Walter C. Zarembo, Sheila S. Noll, Donald E. Wiggins, James S. Burgett, and H. R. Ashe.

Also in attendance were James O. McReynolds, County Administrator; and James E. Barnett, County Attorney.

Invocation. Reverend Gene Cornett, Seaford Baptist Church, gave the Invocation

Pledge of Allegiance to the Flag of the United States of America. Chairman Burgett led the Pledge of Allegiance.

PRESENTATIONS

EMPLOYEE RECOGNITION PROGRAM

Chairman Burgett recognized and congratulated the following employees on attaining 20 years of service with York County, and he presented them with their 20-year service pins and certificates commemorating the occasion:

Shari L. Crockett	Department of Financial and Management Services
Carolyn A. Thayer	Circuit Court Clerk's Office

CITIZENS COMMENT PERIOD

Mr. Bruce A. Peterson, 602 Lakeland Crescent, representing the York County Business Association, invited the members of the Board and citizens to attend a candidate forum sponsored by the YCBA at Tabb High School on Thursday, August 9, at 7:00 p.m. He indicated that written questions would be taken from the audience to be presented to Mr. Ashe and Mr. Shepperd who were running for the office of York County Supervisor representing District 5 in the upcoming November special election.

Mr. Marvin Barton, 127 Vine Drive, spoke in favor of being able to continue parking school buses on streets near the bus drivers' residences. He stated if there is a specific problem concerning the way the buses are being parked, he hoped that it could be addressed in some other way than the adoption of a broad ordinance. He spoke of the advantages to the County by allowing the buses to be parked on the streets near the drivers' residences in terms of scheduling, safety, and financial savings.

Mr. Walt Akers, 110 Kenneth Drive, President of the Fifes and Drums of Yorktown, appealed to the Board for its assistance in providing a temporary residence for the Fifes and Drums. He noted their current building is too small to support the number of members, and he asked that the Board consider allowing the Corps to use the On The Hill building once the County has gained title to it.

Mr. Robert Smith, a lead driver in the school system, also spoke in favor of allowing school buses to be parked near their drivers' residences. He spoke of the time constraints the school bus drivers deal with in bad weather and emergency situations, stating this would be detrimentally impacted by requiring all the buses to park in a centralized location. Mr. Smith stated the County would lose more than 20 bus drivers if an ordinance was adopted which prohibited them from taking their buses home.

Ms. E. Jay Evans, 6052 Mooretown Road, stated she was very concerned about the proposed ordinance dealing with the parking of buses on residential streets. She stated the bus drivers provide a public service in emergency situations such as providing evacuation in times of fire and flood. She also noted the dangerous situation it would put a bus driver in if they were required to take their bus back to a centralized location late at night after a sporting event. She stated other localities allow their bus drivers to take the buses home, and some of her drivers have been doing just that for over 40 years. Ms. Evans stated she felt it was the School Board's responsibility to check to see if a particular bus might need to be moved. She asked that the Board of Supervisors work with the school system to come up with a more viable solution than a broad ordinance prohibiting the parking of school buses in residential areas.

COUNTY ATTORNEY REPORTS AND REQUESTS

Mr. Barnett stated, with respect to the proposed parking ordinance, the Board had suggested some changes at the last work session, and he and Mr. Carter will meet tomorrow regarding the preparation of another draft. Mr. Barnett asked if the Board wished to conduct another work session on the proposed ordinance. He then noted he had provided the Board members with his first draft of some proposed legislation for the 2002 General Assembly session. He indicated he was working on an accelerated schedule at the request of the County's legislators. After the Board members have had an opportunity to look at the package and discuss it at a work session, Mr. Barnett stated he would then prepare a draft program for the Board's consideration. He stated he would forward information as he received it concerning the draft programs of VML, VACo, the Hampton Roads Mayors and Chairs, and others.

Mr. Zaremba asked Mr. Barnett about correspondence he had received recently from a citizen concerning a tax bill and a late payment, and asked him to summarize how the penalty process works.

Mr. Barnett explained that the County ordinance establishes penalties in certain percentages on tax bills over \$100 and a penalty of \$10 on those bills under \$100. The Board has some leeway to change the rates and penalties through an amendment to the ordinance. The Treasurer has no discretion in relieving any of these penalties.

COUNTY ADMINISTRATOR REPORTS AND REQUESTS

Mr. McReynolds reminded the Board members that on August 14 they would conduct a work session to review Board Policies and proposed legislative items for the 2002 General Assembly

session. He indicated they had been provided with materials on both of these items. Also, he stated the Board had been provided with information concerning the York Hall Lobby gift shop sampler and kiosk and materials concerning the Zoning Ordinance review. He noted that a work session was being proposed for August 28, and he asked the Board members to let him know if that date was acceptable. He also noted that the next Industrial Development Authority Occasion for Industry was tentatively scheduled for October 10.

MATTERS PRESENTED BY THE BOARD

Mrs. Noll expressed pride concerning the accomplishments of the York County Little League Senior Girl's Softball Team this season. She asked that the Board agree to invite them to a future Board meeting to be recognized.

Mr. Zaremba stated, in response to Mr. Akers' earlier comments, that the Board had received a great deal of correspondence concerning the On The Hill building, but noted that no decisions have been made to date. He stated the County is very proud of the Fifes and Drums organization, and he feels the Board will support their efforts. He noted there are alternatives other than using the On The Hill building, and in the weeks to come there will be a lot of dialog between the Board members on how to help the Fifes and Drums Corps. Mr. Zaremba then discussed an article he recently read in the Daily Press concerning two subdivisions that do not wish their streets to be interconnected. He stated that a County employee had spoken to representatives of the subdivisions telling them that even though the residents did not want it, the connector road would be constructed because of safety reasons. Mr. Zaremba stated he felt that the statement was arbitrary and should have been raised to the Board's level before moving forward with a decision. He noted that the Board has received correspondence from the Moore House Road area residents begging for assistance in improving their road system, as well as correspondence from Marlbank Farms with pictures of the road network that is clustered with potholes and erosion. He noted that possibly the Board could better serve these people rather than insist on the construction of a connector road that is not wanted by the residents.

Mr. McReynolds explained that interconnectivity between Running Man and Wythe Creek Farms was planned for and approved by the County many years ago, and it has been the Board's policy to require interconnectivity between subdivisions. He noted that requests for changes to an approved plan must come from the developer. With regard to Moore House Road improvements, he stated that staff was looking at some signage, but they were not ready to give a final response. Mr. McReynolds stated he was not familiar with the road problems in Marlbank Farms and indicated he would pass the information on to VDOT if Mr. Zaremba would provide him with the particulars.

Mr. Zaremba stated that the interconnectivity policy Mr. McReynolds spoke of was 20 years old, and what the Board created it can change. Mr. Zaremba then discussed citizen correspondence and comments, and he asked that in the future Mr. McReynolds brief the Board on the specific way staff goes about responding to the citizens.

Mr. Ashe indicated that the citizens living at the end of Cary's Chapel Road have been promised sewer for many years, and there is now a schedule for these 30-plus homes to come on line by next February. There are a lot of drainage problems in the area, and VDOT has committed 10 days to doing work in this area, and so far it has done a good job. Mr. Ashe also noted that the County needed to talk with VDOT about changes to the red light on Route 134 at the Tabb Library. He stated he brought the situation to Quintin Elliott's attention, and he will

check it out and report back his findings. He indicated Mr. Elliott will also work on his request for additional speed limit signs on Cary's Chapel Road. Mr. Ashe stated he and Mark Carter had attended a meeting of the Regional Issues Committee where discussion took place on working out a method for enticing businesses that have nonconforming signs or old signs in disrepair to replace or fix them. Also discussed was affordable housing, and Mr. Ashe indicated there will be a meeting on September 11 which is the day before the State Housing Conference to be held in Williamsburg. He noted that speakers have been lined up to speak on recommended solutions on the major problems in affordable housing. Mr. Ashe also stated he agreed with Mr. Zaremba concerning the Fife and Drum Corps and its outstanding service to the County. He stated he fully supports finding a suitable place for the Corps to practice in. Mr. Ashe then noted he had been appointed by the Governor to sit on a commission to study the tax structure and the Constitution of Virginia. He indicated there had already been some good dialog, and the commission hoped to make a recommendation to the General Assembly to do away with personal property taxes. He stated he had also recommended that the Business, Professional, and Occupational License tax also be included for repeal, and the idea was received well by the other members. He stated the other item the commission would be working on is to change the Constitution so that the Governor can serve more than one term.

Mr. Wiggins congratulated Mr. Ashe on his appointment by the Governor. He also expressed his support for the Fife and Drum Corps, stating the Board should support them fully. He stated he did not know if the On The Hill building would be suitable, but he agreed that the Board should help find the Corps a new home. Mr. Wiggins then stated that some time ago there was an article in the Virginia Gazette about the Virginia Department of Forestry and its accepting applications from landowners for the Forest Legacy Program. He noted that grants are available, and indicated that interested individuals should contact either him or Mark Carter for more information. Mr. Wiggins noted that at the last meeting of the Virginia Peninsula Chamber of Commerce a presentation was made concerning the 2003 Aviation World's Fair which will be held at the Williamsburg/Newport News Airport. He indicated it will be one of the biggest events ever held in this area, and he encouraged York residents to be thinking about volunteering to help with the Fair.

Meeting Recessed. At 7:58 p.m., Chairman Burgett declared a short recess.

Meeting Reconvened. At 8:07 p.m. the meeting was reconvened in open session by order of the Chair.

PUBLIC HEARINGS

AMENDMENT TO THE YORK COUNTY CODE: DELINQUENT PARKING CITATIONS

Mr. Barnett made a presentation on proposed Ordinance No. 01-17 to amend the York County Code relative to the procedure for issuance of summonses for delinquent parking citations. He noted it costs the County Treasurer \$9.09 to send out a registered letter for a \$10.00 fine. The current ordinance states that before any court action can be taken, a notice has to be sent out by registered mail informing the offender that the citation was issued and that they may pay a reduced fine without contesting the matter. He stated that most other jurisdictions do not impose a requirement that notices be sent via certified or registered mail, and the proposed ordinance would eliminate this requirement for York County.

Chairman Burgett then called to order a public hearing on proposed Ordinance No. 01-17 which was duly advertised as required by law and is entitled:

AN ORDINANCE TO AMEND SECTION 15-44 OF CHAPTER 15, YORK COUNTY CODE, MOTOR VEHICLES AND TRAFFIC, RELATIVE TO THE PROCEDURE FOR ISSUANCE OF SUMMONSES FOR DELINQUENT PARKING CITATIONS

There being no one present who wished to speak concerning the subject ordinance, Chairman Burgett closed the public hearing.

Mr. Ashe questioned the cost of sending out a registered letter, suspecting that a part of the \$9.09 was personnel costs. He stated he felt that further investigation was needed before the Board acted on the ordinance.

Mrs. Noll stated she also felt the administration costs were factored into the \$9.09. She stated she felt the County should not have to pay to collect money from an illegal action on the part of a citizen. She asked the Board to consider tabling the matter at this time in order to do more research on the subject.

Mr. Wiggins stated he did not know why these notices were being sent by certified mail, indicating the County should be doing the same as the courts which is to send such notices by regular mail.

Mr. Zaremba indicated he talked to his mail carrier who indicated it cost much less to send a letter out certified mail than registered mail. He also agreed to tabling the ordinance at this time in order to improve on it.

Chairman Burgett agreed that the ordinance should be tabled so that the County Attorney could look at alternatives as discussed this evening.

Mr. Ashe suggested that other mailing requirements be reviewed also.

Mrs. Noll then moved to table consideration of proposed Ordinance No. 01-17.

On roll call, the vote was:

Yea: (5) Zaremba, Noll, Wiggins, Ashe, Burgett
Nay: (0)

APPLICATION NO. YVA-7-01, LYN AND DAVID DOUGLAS

Mr. J. Mark Carter, Planning and Zoning Manager, made a presentation, with an accompanying video, on Application No. YVA-7-01 to approve the construction of a 2,220 foot single-family detached home on an undeveloped 0.16 acre parcel located at 212 Smith Street within the Yorktown Village Activity (YVA) zoning district. The Planning Commission considered the application and forwarded it to the Board of Supervisors with a recommendation of approval, and staff recommended approval of the application through the adoption of proposed Resolution R01-137.

Mrs. Noll asked if the size of the proposed house was in keeping with others on the street.

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Mr. Carter indicated it was. The applicant's proposal is less than the lot coverage allowed by the YVA regulations.

A brief discussion took place clarifying an error on the map that showed the proposed detached garage encroaching on the Nelson Street property located behind the subject parcel.

Mr. Wiggins asked how close the garage was to the property line.

Mr. Carter indicated it was 5 feet from the property line.

Mr. Zaremba indicated the design for the house was very pretty, but he was struck by the extremely small size of the lot. He asked what the setback requirements were for the house.

Mr. Carter stated the front setback is 25 feet, the side yards are 10 feet, and the rear yard is 20 feet. He noted the setback for an accessory building is only 5 feet.

Chairman Burgett then called to order a public hearing on Application No. YVA-7-01 that was duly advertised as required by law. Proposed Resolution R01-137 is entitled:

A RESOLUTION TO APPROVE AN APPLICATION TO CONSTRUCT
A SINGLE-FAMILY DETACHED HOME AT 212 SMITH STREET IN
THE VILLAGE OF YORKTOWN

There being no one present who wished to speak concerning the subject application, Chairman Burgett closed the public hearing.

Mrs. Noll moved the adoption of proposed Resolution R01-137 that reads:

A RESOLUTION TO APPROVE AN APPLICATION TO CONSTRUCT
A SINGLE-FAMILY DETACHED HOME AT 212 SMITH STREET IN
THE VILLAGE OF YORKTOWN

WHEREAS, Lyn and David Douglas have submitted Application No. YVA-7-01, which is a request to construct a 2,220-square foot single-family detached home, pursuant to Section 24.1-327(b) of the York County Zoning Ordinance, on a 0.16-acre parcel located at 212 Smith Street within the Yorktown Village Activity (YVA) zoning district and further identified as Assessor's Parcel No. 18A-(1)-66A; and

WHEREAS, said application has been forwarded to the York County Planning Commission in accordance with applicable procedure; and

WHEREAS, the Planning Commission recommends approval of this application; and

WHEREAS, the York County Board of Supervisors has conducted a duly advertised public hearing on this application; and

WHEREAS, the Board has carefully considered the public comments with respect to this application;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 7th day of August, 2001, that Application YVA-7-01 be, and it is hereby, approved to authorize

construction of a single-family detached home on a 0.16-acre parcel located at 212 Smith street subject to the following conditions:

1. Building plans shall be submitted to and approved by the York County Department of Environmental and Development Services, Division of Building Regulation, prior to the commencement of construction activities on the subject parcel. Said plans shall be in substantial conformance with the building plans and building elevations prepared by Historical Replications, Inc., and dated received June 1, 2001 and June 22, 2001, a copy of which shall be kept on file in the York County Planning Division.
2. As proposed by the applicant, the residential exterior surface shall be wood-mould Virginia red brick and the garage exterior surface shall be wood clapboard siding that is compatible with the paint colors likely to have been used in historic Yorktown.

On roll call, the vote was:

Yea: (5) Noll, Wiggins, Ashe, Zaremba, Burgett
Nay: (0)

MATTERS PRESENTED BY THE BOARD (Continued)

Chairman Burgett noted he had attended the Hampton Roads Mayors and Chairs Caucus held in Franklin, and he stated it was amazing what the city has done since Hurricane Floyd devastated it. He stated Franklin's Mayor thanked all of the 16 localities represented at the meeting for providing the City with assistance during their time of emergency and helping the citizens get back on their feet. Chairman Burgett then indicated he had been receiving calls from citizens about the entrance corridors to York County as to how good they look. He stated they are very attractive, and the Board is very proud of the work by staff to make them look so.

CONSENT CALENDAR

Mr. Zaremba asked that Item No. 4 be removed from the Consent Calendar.

Mr. Wiggins then moved that the Consent Calendar be approved as amended, Item No. 3.

On roll call the vote was:

Yea: (5) Wiggins, Ashe, Zaremba, Noll, Burgett
Nay: (0)

Thereupon, the following minutes were approved:

Item No. 3. APPROVAL OF MINUTES

The minutes of the following meeting of the York County Board of Supervisors were approved:

June 26, 2001, Adjourned Meeting

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Item No. 4. SOLE SOURCE PROCUREMENT—VACUUM VALVES: Proposed Resolution R01-141.
(Removed from the Consent Calendar)

Mr. Zaremba noted that there has been an increase of 20 percent in the cost of the valves, and he asked if staff was aware of other communities that were using the same valves and whether or not they also were sole sourcing the valves or going out for competitive bids.

Mr. Hudgins stated other communities use AirVac, and he guessed they, too, were sole sourcing because no one else makes this particular valve. He spoke of what the 20 percent cost increase included, noting that the increase in the cost of the valve was more than offset by the savings in construction costs to install the valves. He stated AirVac was widely used, but he did not know which communities were using the product at this time.

Mr. Zaremba asked that Mr. Hudgins investigate to see which other communities were using the AirVac valve, indicating it would be of interest to the Board and the public to get a feel for whether or not York County was doing things according to general practice through the industry in maintaining its sewer systems and in terms of what the county was paying in relation to what others are paying.

Mr. McReynolds stated he was involved in this procurement process, and the staff was indeed aware of others who are sole sourcing these valves because of a study that was done. The study found that a lot of those using mixed components rather than the AirVac valves were experiencing maintenance problems which could effect the integrity of their systems. Mr. McReynolds stated staff would also verify the costs charged to the other localities.

Mr. Zaremba then moved the adoption of proposed Resolution R01-141 that reads:

A RESOLUTION TO AUTHORIZE THE PROCUREMENT OF 225 VACUUM INTERFACE VALVES IN THE AMOUNT OF \$202,500 IN CONNECTION WITH THE PINEY POINT, DARE PHASE III AND THE SEAFORD VACUUM EXTENSION PROJECTS

WHEREAS, it is the policy of the Board of Supervisors that all procurements of goods and services by the County involving the expenditure of \$30,000 or more be submitted to the Board for its review and approval; and

WHEREAS, the County Administrator has determined that the following procurement is necessary and desirable, and that applicable laws, ordinances, and regulations have been complied with; and

WHEREAS, in accordance with the County's Sanitary Sewer Standards and Specifications AIRVAC is the sole manufacturing supplier for vacuum interface valves approved for installation in the County's vacuum sewer system;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 7th day of August, 2001, that the County Administrator be, and hereby is, authorized to conclude the procurement of the following:

<u>Description</u>	<u>Amount</u>
225 AIRVAC Interface Valves	\$202,500.00

On roll call, the vote was:

Yea: (5) Ashe, Zaremba, Noll, Wiggins, Burgett
Nay: (0)

CLOSED MEETING. At 8:37 p.m. Mr. Wiggins moved that the meeting be convened in Closed Meeting pursuant to Section 2.1-344(a)(1) of the Code of Virginia pertaining to appointments to Boards and Commissions; Section 2.1-344(a)(3) pertaining to the acquisition of property for a public purpose; and Section 2.1-344(a)(7) pertaining to consultation with legal counsel.

On roll call the vote was:

Yea: (5) Zaremba, Noll, Wiggins, Ashe, Burgett
Nay: (0)

Meeting Reconvened. At 10:08 p.m. the meeting was reconvened in open session by order of the Chair.

Mrs. Noll moved the adoption of proposed Resolution SR-1 that reads:

A RESOLUTION TO CERTIFY COMPLIANCE WITH THE FREEDOM
OF INFORMATION ACT REGARDING MEETING IN CLOSED MEET-
ING

WHEREAS, the York County Board of Supervisors has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.1-344.1 of the Code of Virginia requires a certification by the York County Board of Supervisors that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 7th day of August, 2001, hereby certifies that, to the best of each member's knowledge, (1) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (2) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed, or considered by the York County Board of Supervisors.

On roll call the vote was:

Yea: (5) Noll, Wiggins, Ashe, Zaremba, Burgett
Nay: (0)

APPOINTMENTS TO THE YORK COUNTY HISTORICAL COMMITTEE

Mr. Ashe moved the adoption of proposed Resolution R01-140 that reads:

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A RESOLUTION TO APPOINT THREE MEMBERS TO THE YORK
COUNTY HISTORICAL COMMITTEE

WHEREAS, Gary A. Freeman and Christopher P. Durand have submitted their resignations as a member of the York County Historical Committee; and

WHEREAS, the recent death of Mrs. Marge Funk creates a third vacancy on the Committee;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 7th day of August, 2001, that McKay B. Borden, Jennifer R. Gates, and George R. Hoffeditz, Jr., be, and they are hereby, appointed to the York County Historical Committee.

On roll call, the vote was:

Yea: (5) Wiggins, Ashe, Zaremba, Noll, Burgett
Nay: (0)

APPOINTMENTS TO THE YORK COUNTY ARTS COMMISSION

Mrs. Noll moved the adoption of proposed Resolution R01-138 that reads:

A RESOLUTION TO APPOINT REPRESENTATIVES TO THE YORK
COUNTY ARTS COMMISSION

BE IT RESOLVED by the York County Board of Supervisors this 7th day of August, 2001, that Kathleen M. Hebert and P. Gregory McCarthy be, and they are hereby, reappointed to the York County Arts Commission for a term of three years, such term to begin immediately, and end July 31, 2004.

On roll call, the vote was:

Yea: (5) Ashe, Zaremba, Noll, Wiggins, Burgett
Nay: (0)

APPOINTMENT TO THE YORK COUNTY PARKS AND RECREATION ADVISORY BOARD

Mr. Wiggins moved the adoption of proposed Resolution R01-139 that reads:

A RESOLUTION TO APPOINT A REPRESENTATIVE TO THE PARKS
AND RECREATION ADVISORY BOARD

WHEREAS, Patty Heath has submitted her resignation as a member of the York County Parks and Recreation Advisory Board;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 7th day of August, 2001, that Karen H. Wood be, and is hereby, appointed to the York County Parks and Recreation Advisory Board to fill the unexpired term of Patty Heath, such term to begin immediately and end December 31, 2003.

On roll call, the vote was:

Yea: (5) Zaremba, Noll, Wiggins, Ashe, Burgett
Nay: (0)

Meeting Adjourned At 10:11 p.m. Chairman Burgett declared the meeting adjourned to 6:00 p.m., Tuesday, August 14, 2001, in the East Room, York Hall, for the purpose of conducting a work session.

James O. McReynolds, Clerk
York County Board of Supervisors

James S. Burgett, Chairman
York County Board of Supervisors